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REMARKS

The present application contains claims 1, 3-6, 9-12, 14-19, and 21 to 26.

The Examiner allowed the subject matter of claims 2, 4, 5, 8-10, and 21-26.

Applicant has amended claim 1 to include the feature originally claimed in claim 2 "[...] determining periodically a network cost for current network blocking rates [...]".

Applicant has cancelled claim 2 without prejudice or disclaimer.

Applicant has amended claim 6 to include the features of "[...] receiving a request for a data burst to be transmitted; determining power requirement for the data burst at a plurality of possible transmission rates [...]", originally claimed in claims 7 and 8. Support for the amendment may also be found, for example, on page 16, lines 5 to 14 and Figure 4 as originally filed.

Applicant has cancelled claims 7 and 8 without prejudice or disclaimer.

Applicant has amended independent claims 12, 14, and 18 to better describe the present invention. Support for the amendment may be found, for example, at page 14, line 4 to page 15, line 15.

Applicant has cancelled claims 13 and 20 without prejudice or disclaimer.

Applicant has amended claims 21 to 26 for purposes of better description of the invention, and of correcting clerical errors.

The amendment to the claims is fully supported by the application as originally filed. No new matter has been introduced by way of the amendment.

Claim Objection

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Applicant has corrected the typographical error in claim 1 indicated by the Examiner.

35 USC 112 Rejections

The Examiner rejected claims 11, and 13-20 and under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 13 and 20 have been cancelled without prejudice or disclaimer, thus rendering the Examiner's rejection to these claims moot.

Claims 11, 14 to 19 have been amended to distinctly claiming the subject matter. Hence, it is respectfully submitted that claims 11, 14 to 19 meet the requirements under 35 U.S.C. 112, second paragraph. Applicant respectfully requests the Examiner to withdraw the rejections.

35 USC 102 Rejections

The Examiner rejected claim 12 under 35 U.S.C. 102 (e) as being anticipated by Vook et al. (U.S. Patent No. 6,765,969), hereinafter referred to as Vook. The Examiner stated that Vook discloses "equalizing channel interference in a wireless network by equalizing the rate of information transmitted by different users".

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claim 12.

Applicant has amended claim 12 to included the limitation of: "assigning a maximum burst rate and a corresponding minimum burst duration to a user in a wireless network with a plurality of data users; equalizing a rate of transmitted information by adaptively allocating the user a second burst duration with a corresponding second burst rate, the second burst rate being lower than the maximum burst rate, so that the product of the second burst rate and the second

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burst duration is equal to the product of the maximum burst rate and the corresponding minimum burst".

In contrast, Applicant respectfully submits that Vook is specifically directed toward predicting the time and frequency response of a desired signal received by an antenna in an adaptive antenna array in SDMA. Vook fails to disclose each and every limitation set forth in claim 12. Withdrawal of this rejection is requested.

The Examiner further rejected claim 14 under 35 U.S.C. 102 (b) as being anticipated by Reed et al. (U.S. Patent No. 4,939,731), hereinafter referred to as Reed. The Examiner stated that Reed discloses "data burst rates pool size is determined by the interference experienced by active users".

Applicant has amended claim 14. Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claim 14.

Reed is directed to a data transmission system where data signals are transmitted as packets with an error correcting code, where should the error rate in received packets be more than a predetermined amount over a predetermined interval of data transmission, the system is arranged automatically to change the channel frequency (column 1, lines 46 to 61), the pool of frequencies In Reed is determined during the initialization control procedure (column 3, lines 43-45).

Reed does not teach or suggest "measuring an existing interference for an active user [...]" and "granting a highest possible burst rate for transmission from the pool of burst rates without adding significantly to the interference level" as claimed in amended claim 14.

Removal of the Examiner's rejection under 35 USC 102 is respectfully requested.

35 USC 103 Rejections

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Applicant is not aware that the subject matter of the various claims was not commonly owned by the inventors at the time the invention covered in the application was made.

The Examiner rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Reed and in view of Ejzak et al. (US Patent No. 6,069,883), hereinafter referred as Ejzak.

Applicant notes that claim 15 is dependent on claim 14. As discussed above, Reed does not teach or suggest the inventions defined by the amended claim 14. Neither does Ejzak suggest the specific combination recited in claim 14. Therefore, the applied references fail to provide teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Removal of the Examiner's rejection under 35 USC 103 is respectfully requested.

The Examiner further rejected claims 1 and 3, under 35 U.S.C. 103(a) as being unpatentable over Horne et al (US Patent 6,484,145) in view of Noubir (IEEE Globecom 98).

The Examiner further rejected claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Noubir in view of Davis (US Application 20030078010).

The Examiner allowed the subject matter of claims 2 and 8. Independent claims 1 and 6 have been amended to include the features of claims 2 and 8, respectively. Claim 3 is dependent on claim 1 and inherits the limitations of claim 1. Claim 7 has been canceled without prejudice or disclaimer.

Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections in view of the amendments.

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Applicant respectfully requests reconsideration of this application, based on the foregoing amendments and remarks.

Respectfully Submitted,



Dallas F. Smith
Registration No. 34,074

c/o GOWLING LAFLEUR HENDERSON LLP
 160 Elgin Street, Suite 2600
 Ottawa, Ontario
 K1P 1C3
 CANADA
Telephone: (613) 233-1781
Facsimile: (613) 563-9869
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